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February 1, 2008

BY ECF

Honorable Dora L. Irizarry
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Emilio DeJesus v. Ray Kelly, et al.
07 CV 1036 (DLI)(LB)

Your Honor:

I represent the defendants in the above-referenced matter. The parties in this action have reached a settlement agreement. To that end, I respectfully enclose the executed Stipulation and Order of Settlement and Dismissal for Your Honor's signature and filing.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "GPH", is written over the typed name and title of Gabriel P. Harvis.

Gabriel P. Harvis (GH2772)
Assistant Corporation Counsel

cc: Emilio DeJesus (by mail w/o encl.)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

EMILIO DEJESUS,

Plaintiff,

-against-

DETECTIVE ISAAC WRIGHT, SHIELD #06069;
DETECTIVE CHRISTOPHER CALLOW, SHIELD #
01925,

Defendants.

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL**

07 CV 1036 (DLI)(LB)

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WHEREAS, plaintiff commenced this action by filing a complaint on or about February 13, 2007, alleging violations of his federal and state rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the remaining issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff EMILIO DEJESUS, Three Thousand Dollars (\$3,000.00) in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against defendants, and to release defendants Isaac Wright and

Christopher Callow and any present or former employees or agents of the City of New York or any agency thereof, from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to the defendants' attorney all documents necessary to effect this settlement, including, without limitation, General Releases based on the terms of paragraph "2" above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York City Police Department.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
January 30, 2008

EMILIO DEJESUS
06-A-6739
Bare Hill Correctional Facility
181 Brand Road, Caller Box # 20
Malone, NY 12953-0020

By: Emilio DeJesus
EMILIO DEJESUS

MICHAEL A. CARDOZO
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By: Gabriel Harvis
GABRIEL HARVIS (GH2772)
Assistant Corporation Counsel

SO ORDERED:

U.S.D.J.